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House of Representatives

The House was not in session today. Its next meeting will be held on Wednesday, February 11, 1998, at 3:00 p.m.

Senate

TUESDAY, FEBRUARY 10, 1998

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, You have shown us the power of an unreserved commitment. We prayerfully personalize the promise of the psalmist, "We commit our way to You, Lord. We also trust in You, and You will bring Your plans to pass. We rest in Your word, and wait patiently for You" (Psalm 37:5,7). In all the challenges of life, we've discovered that Solomon was right, "Commit your works to the Lord and your thoughts will be established" (Proverbs 16:3). Over and over again, You have responded to our commitment to solve problems by providing us with clarity of thought and ingenious solutions.

You have revealed that commitment is the key to opening the floodgate for the inflow of Your Spirit. It is as if You set all of the angels in heaven, all the people who serve You on Earth, and the confluence of circumstances to help us. Unexpected blessings happen; coincident events occur; people respond; and the tangled mess of details is untangled. Amazed, we look back to the moment when we gave up and You took over; when we let go and You took hold; when we rested in You and You replenished our strength. Lord, help us to commit ourselves, our problems, and our hopes and dreams to You. In the name of Jesus who prayed, "Father,

into Your hands I commit My spirit." Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

SCHEDULE

Mr. LOTT. Mr. President, this morning, under a previous consent, the Senate will debate the motion to invoke cloture on the nomination of David Satcher to be Surgeon General until 11 a.m. At 11 the Senate will vote on the motion to invoke cloture on the nomination. Under the agreement that we reached last week, if cloture is invoked, a second vote will occur immediately on the nomination itself. Therefore, Senators should be aware that there may be two consecutive roll-call votes beginning at 11 a.m.

As under the order, from 12:30, then, to 2:15, the Senate will recess for the weekly policy luncheons to meet. Following the luncheons, the Senate may begin consideration of the nomination of Judge Massiah-Jackson to be U.S. District Judge for the Eastern District of Pennsylvania. Therefore, further votes can be expected to occur following the one or two votes at 11 o'clock.

Also, I want to give Senators a reminder that a cloture vote on the motion to proceed to the cloning bill will

now occur Wednesday morning at 10 a.m. I thank my colleagues for their attention to this and I urge they pay particular attention to this cloning issue. The Senate needs to make a decision on whether or not we want to allow human cloning to go forward. There is a lot of concern about that. The President has indicated he is opposed to it and we need to take this issue up.

I urge the Senate to at least vote to go to debate on the substance of the bill itself. The cloture motion is on the motion to proceed. I think we ought to have a beginning of a full discussion about this, see where there are disagreements and where maybe we can come to agreements. If we do not do that, this process will be allowed and there are going to be serious, I think, scientific, medical, ethical and moral questions that are going to be left dangling in the wind. If Senators have additional ideas that they would like to offer in the form of amendments to this human cloning issue, that is the way we should proceed.

I urge the Senate to begin to pay close attention to this issue. The alternative is, perhaps, to do nothing, and I think that would be a very dangerous thing in this very important issue.

Mr. President, I see a Senator seeks recognition. I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ASHCROFT). Under the previous order, the leadership time is reserved.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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EXECUTIVE SESSION

NOMINATION OF DAVID SATCHER, OF TENNESSEE, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, MEDICAL DIRECTOR OF THE PUBLIC HEALTH SERVICE, AND SURGEON GENERAL OF THE PUBLIC HEALTH SERVICE

The PRESIDING OFFICER. Under the previous order, there will now be an hour debate, equally divided between the Senator from Vermont and the Senator from Missouri or their designees, prior to the cloture vote on the nomination of Dr. David Satcher of Tennessee to be Assistant Secretary of Health and Human Services and to be Surgeon General.

The Senate resumed consideration of the nomination.

The PRESIDING OFFICER. Who yields time? The Senator from Tennessee is recognized.

Mr. THOMPSON. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, I rise in support of the nomination of Dr. David Satcher of Tennessee. I have listened to the debate. I have talked to Dr. Satcher about the issues involved. I am convinced that this is an outstanding appointment that the President has made. Whether you look at Dr. Satcher's history in terms of his commitment to his family, whether you look in terms of his commitment to his community, or whether you look in terms of his commitment to his profession, I believe he is an outstanding individual. From everyone that I have talked to, I have come away with that conclusion. Clearly there are some policy issues on which we disagree. I think we have one in terms of the debate on partial-birth abortion. Frankly, in looking at the issues and listening to the debate, I think that that is at the crux of the concern as far as Dr. Satcher's confirmation. I think a lot of these other issues are collateral issues.

I have talked to him about this. I am a strong supporter of the ban on partial-birth abortions. I think there is no justification whatsoever for that onerous procedure. And, in response to questions on this issue, Dr. Satcher has said:

While I support the concept of a ban on late-term abortions, like the President I feel that if there are risks of severe health consequences for the mother then that decision should not be made by the Government, but by the woman in conjunction with her family and her physician.

Again, he supports the concept of a ban on late-term abortions but he believes there should be more thought given to the situation of severe health consequences for the mother. I understand what he is talking about. Personally, I have concerns about that exception and its potential for abuse. Without getting into that whole debate

again, I can simply say I disagree with the President's position on that issue. However I have discussed this issue with Dr. Satcher and I have read what he has written in response to questions on this issue. I am satisfied he does not intend to use the position of Surgeon General to advocate or promote abortion in any way. In fact, he said:

Let me state unequivocally that I have no intention of using the positions of Assistant Secretary for Health and Surgeon General to promote issues related to abortion. I share no one's political agenda, and I want to use the power of these positions to focus on issues that unite Americans and not divide them.

He went on to say:

If I am confirmed by the Senate I will strongly promote a message of abstinence and responsibility to our youth which I believe can help to reduce the number of abortions in our country.

This is the commitment that he has made. Many of us have been concerned in times past that this particular position of Surgeon General would be used as a bully pulpit by individuals to promote policies that are contrary to the best interests of this country. I think it has been done in the past. I do not feel that Dr. Satcher will do this. I think he has a good concept of the good that can be done in this job. I think he understands the terrible problems that our young people have. I think he sees an opportunity to do some good for these young people. Everything in his history indicates that that would be his attitude in approaching this position, and I believe him when he says that and I respect his position on that.

I believe that, generally speaking, a President has the right and should have the right to appoint the kind of nominees, the kind of people he wants to these positions. I believe that, whether the President is a Democrat or a Republican. There are some situations where the positions or the background is so out of the norm, out of the mainstream, that we as a confirming body have to take a contrary position to that of the President. I think those situations ought to be rare. I have considered Dr. Satcher's record. I do not see anything in his record where that particular result on our part should obtain.

Unfortunately, I think sometimes in these confirmation debates we have a policy problem with the President, or we have a policy problem with the individual who the President nominates. But, instead of concentrating on that policy problem we begin to look for other things that we perhaps could use against this nominee. I think we get into, then, issues sometimes of credibility and veracity and character and things like that that, frankly, I think is unfortunate. I think it has happened on both sides of the aisle with regard to nominees from both sides of the aisle in times past.

I think we would be well served to keep our eye on the ball. Let's look at the history of this particular individual. I don't think anybody can ques-

tion his character or his veracity or his commitment to his profession. We have a policy issue here. We need to address whether or not the fact that he supports the President, as all the President's nominees for any position that comes up are going to do—whether or not his support for the President in this case is sufficient to disqualify him for this position. I think the answer to that is no. I think he will be a good Surgeon General.

He does happen to be a Tennessean. That does not disqualify him either, in my estimation. And therefore I respectfully submit this gentleman should be confirmed.

I thank the Chair for the opportunity to speak this morning. I yield the floor.

The PRESIDING OFFICER (Mr. GREGG). Who seeks time? The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I suggest the absence of a quorum and ask unanimous consent the time be allotted equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUTCHINSON). Without objection, it is so ordered.

Mr. ASHCROFT. Mr. President, I rise to speak against the confirmation of Dr. David Satcher, and I allocate myself so much time as I may consume, but I ask that I be notified when 8 minutes have expired.

The PRESIDING OFFICER. The Chair will notify the Senator at that point.

Mr. ASHCROFT. Thank you very much.

Mr. President, we live in an information age. We have come to a conclusion and an understanding of an important fact, which is that those individuals who control information and have information are in a position to make good decisions. And, as a matter of fact, the basis of good decisions really determines the outcome of arguments and determines the strategy that will be developed, determines the course of a nation. No one is able to make good decisions without good information. In the computer world, it is put this way: Garbage in, garbage out. If you don't have good information going in, you don't get good information coming out. It is that simple and easy to understand.

It works with computers; it also works with the U.S. Senate. If we don't get good information, we can't make good decisions. If we don't get accurate information, we can't make the kinds of decisions the people expect us to make in this office.

There are a variety of issues which have characterized the debate as it relates to the potential confirmation of Dr. David Satcher: issues relating to the New England Journal of Medicine's